



Family Law Handbook

Community Justice Program

San Antonio Bar Association
Family Law Section

2009

The publication of this handbook was made possible through a generous grant from the Texas Bar Foundation and matching funds from the San Antonio Bar Association Family Law Section.



Family Law 2009

Foreword

The Community Justice Program (“CJP”) is a collaborative effort by the San Antonio Bar Association and Texas RioGrande Legal Aid to provide free neighborhood-based legal services to individuals who may not otherwise have access to the legal system. The mission of the Community Justice Program is to support legal representation for indigent residents of San Antonio. The CJP accepts uncontested family law matters including divorce and guardianship proceedings, simple landlord/tenant disputes, probate matters and wills.



A significant percentage of all civil cases filed in Bexar County Civil District Courts involve Family Law. Our hope is that this Family Law Handbook will educate the public regarding basic procedures of family law in the courts and, by doing so, help create an atmosphere of trust and understanding.

The Community Justice Program thanks the Family Law Section for its continuing support in preparing this handbook.

The Community Justice Program gratefully acknowledges the contributions of the following people: Justine Daly, President Family Law Section; Lisa Dossman, Past President Family Law Section; Judge Larry Noll, Dennis Moreno, Members of the Board of Directors for the Family Law Section of the San Antonio Bar Association; Texas Bar Foundation, Community Justice Program; Amanda Reimherr Buckert, Kim Palmer, Elyssa Mendez and Elias Lozano. The Community Justice Program would like to extend immense gratitude and a sincere appreciation to Margaret Garib for translating the Spanish version of this Handbook; and to Brian Davis for his tireless efforts to design, edit and compile this Handbook into such an outstanding publication.

As you read through this handbook it cannot be emphasized enough that in this area of the law you should either hire an attorney or consult with one in order to preserve and protect your rights.



Carl Robin Teague
2009-2010 President,
San Antonio Bar Association



Jennifer Durbin
2009-2010 President,
San Antonio Bar Foundation

Community Justice Program

Justice Phylis Speedlin - CJP co-founder & Community Justice Foundation President

Judge Karen Pozza - CJP co-founder

Judge Michael Peden - CJP co-chair

Judge Larry Noll - CJP co-chair

Amanda Reimherr Buckert - CJP Coordinator

Table of Contents

1. INTRODUCTION TO COURTS THAT HEAR FAMILY LAW CASES.....	4
2. STAFF ATTORNEY.....	6
3. PRESIDING COURT.....	7
4. LOCAL RULES OF BEXAR COUNTY.....	8
5. REQUIRED COURSE FOR HELPING YOUR CHILD ADJUST TO YOUR DIVORCE	8
6. MEDIATION.....	9
7. COLLABORATIVE LAW.....	10
8. MARRIAGE AND DIVORCE	11
9. DIVISION OF PROPERTY UPON DIVORCE.....	17
10. ALIMONY IN TEXAS.....	20
11. CUSTODY.....	22
12. SPECIAL APPOINTMENTS AND AD LITEM REPRESENTATION.....	26
13. GRANDPARENTS' RIGHTS TO VISITATION.....	28
14. PARENTAGE/ PATERNITY SUITS.....	29
15. TERMINATION OF PARENTAL RIGHTS.....	33
16. ADOPTION.....	34
17. MODIFYING CUSTODY, VISITATION AND CHILD SUPPORT.....	36
18. FAMILY VIOLENCE: PROTECTIVE ORDERS.....	38
19. CHANGE OF NAME OF A MINOR	40
20. CHANGE OF NAME OF AN ADULT.....	41
21. REMOVAL OF A CHILD'S LEGAL DISABILITIES.....	42
22. ENFORCEMENT OF COURT ORDERS.....	43
23. PARENTAL LIABILITY.....	50
24. CHILD PROTECTIVE SERVICES.....	50
25. RESOURCE AND REFERRAL INDEX.....	55
26. DOMESTIC RELATIONS OFFICE.....	66

INTRODUCTION TO FAMILY LAW

What are Family Law Cases?

Cases involving divorce, custody, conservatorship, property division in divorce, adoption, child support, termination of parental rights, visitation and paternity, to name a few.

What Courts Decide Family Law Cases?

In Bexar County there are 13 (soon to be 14) Civil District Courts, along with selected County Courts at Law, which hear family law matters. When a lawsuit is filed, the case will be randomly assigned to one of the Civil District Courts, unless you are filing an action related to a prior matter decided



by a Bexar County Civil District Court. In that case, you usually must file the action in the same court that made the initial order. Each court has a judge elected by the voters of Bexar County. Some County Courts at Law assist the Civil District Courts in deciding Family Law Cases.

In Bexar County, your case may not be heard in the court in which it was filed. We have a presiding court system in which all cases to be heard on a given day are called in one courtroom and assigned to any available judge in the other District Courts, or in some instances, to a County Court of Law.

What are Associate Judges?

The associate judges in Bexar County are assigned to a specific kind of case. Two of them hear only child support cases, and two hear only child abuse or neglect cases. Associate judges are appointed by the Bexar County Civil District Judges and have met the same statutory qualifications as state district judges. The associate judge hears all cases referred by the Civil District judges. By Law, an associate judge may not hear certain matters. Some County Court at law Judges serve as associate judges to hear Family Law matters assigned by the Presiding Civil District Judge.

Where are the Bexar County Courts that Hear Family Law Cases Located?

In the Bexar County Courthouse at 100 Dolorosa in downtown San Antonio. The courthouse is bounded by the following streets: Dolorosa, Dwyer, Main Plaza, Nueva and Main.

What is a Courtroom like?

The Judge's bench is located in the front of the courtroom. There are specific places for court personnel, witnesses, a jury and the public.



Who works in the Courts?

In addition to the presiding judge and the associate judge, court personnel include the clerk, the bailiff and court reporter. The clerk maintains the papers in each case and the bailiff maintains order in the court.

Who can go into the courtroom?

The courtrooms themselves are open to the public. Generally, children should not be brought to the court unless the judge gives permission.

What are Juvenile Courts?

Juvenile Courts focus primarily on cases brought by the District Attorneys Office alleging violation of the law by a juvenile. The Juvenile Courts are located at 235 E. Mitchell St. and 600 Mission Rd., not the Bexar County Courthouse. You may call (210) 335-7500 for more information.

Can you represent yourself?

Yes. A person who represents himself/herself is called a "pro se" litigant. A pro se litigant must follow the same rules as an attorney, including the rules of procedure and evidence. Given the complexity of these rules, it is wise to at least seek the advice of counsel.

Are there rules that must be followed in a Family Law suit?

Yes. There are certain rules that apply generally to all Texas courts,

which are called the Texas Rules of Civil Procedure. Additionally, the Bexar County Civil District Courts have adopted local rules that govern how family law cases proceed through the courts. A copy of the rules should be obtained through the District Clerk's office at the beginning of a case.

If I file a lawsuit, how long will it take before my case is finalized?

There are approximately 21,000 family law cases filed each year in Bexar County. The time required to complete your case may depend on the complexity and type of case. A totally uncontested divorce may take only the minimum time (60 days from the date of filing), while a child custody case or complex property case may take a year or more. A modification suit, paternity suit, or other type of family law case may take longer.

What are the court costs of filing a family lawsuit?

The fees are subject to change. Please consult the District Clerk's office (phone: (210) 335-2621) to verify current filing fees.

STAFF ATTORNEY



What is a staff attorney?

The staff attorney is a lawyer employed by the county to represent the civil district judges of Bexar County. One duty of the staff attorney is to assist pro se litigants in a limited capacity.

May the staff attorney give legal advice?

No. The staff attorney may only provide you with information such as how to file particular motions as well as the procedural and time requirements for doing so.

May the staff attorney represent me?

No, there is not an attorney-client relationship between you and the staff attorney.

May the staff attorney prepare documents for me?

No. The staff attorney will review your documents and your file at the 1:15 p.m. uncontested docket. This will be done prior to you seeing the Judge to request relief.

How do I reach the staff attorney?

You may reach the staff attorney by calling the courthouse at (210) 335-2123 or by sending correspondence to:

**Staff Attorney
Bexar County Courthouse
100 Dolorosa
San Antonio, TX 78205**

PRESIDING CIVIL DISTRICT COURT

What is the Presiding Civil District Court?

The Presiding Civil District Court is the courtroom where the presiding judge sits. Bexar County has a centralized docket system, meaning that all judges work from the same docket. All Family Law cases are set in the Presiding Civil District Court and then distributed to available judges to be heard. The Presiding Civil District judge changes each month.

Where is the Presiding Civil District Court?

The Presiding Civil District Court is on the second floor, north end, of the Bexar County Courthouse (Room 218).

How do I know if my hearing is in the Presiding Civil District Court?

Your paperwork should contain a Notice of Hearing, a Motion to Set, a Fiat, or an Order to Appear. One of these documents should tell you where to appear. If you cannot locate this information, you may call the Presiding Court clerk at (210) 335-2000 and ask where you are scheduled to appear. You must have your case number in order for the clerk to assist you.

How Should I dress for Court?

The following articles of clothing are not appropriate to wear to Court: tank tops, spaghetti straps, shorts of any nature, flip flops, sandals, muscle shirts, ripped/torn jeans, hats, overly revealing dress, clothing with obscene content or overly soiled clothing. Men should wear slacks, a coat, and a tie when available. Rule of thumb for men and women—Dress as you would for a job interview.



LOCAL RULES OF BEXAR COUNTY

In an effort to help the District Courts run efficiently, Bexar County has adopted various local rules. A copy of these rules, which you are required to comply with, may be obtained at the Bexar County website (www.co.bexar.tx.us/dclerk/) or at the Presiding Court.

REQUIRED COURSE FOR HELPING YOUR CHILD ADJUST TO A DIVORCE

If you are filing for a divorce or for a change of custody, ***you must take the court-required course*** (Helping Children Cope with Divorce) ***prior*** to asking the Court to enter a final order or decree. Without a certificate of completion, the Court will not grant you any final relief such as a divorce or change of custody. The course is offered at various locations and times. It generally costs around \$35.00 per person with an additional \$5.00 fee for proof of attendance. Allow at least three weeks for scheduling and completion of the course. The following organization offers the course:

Family Services Association
702 San Pedro
San Antonio, TX 78212
210 299-2400



MEDIATION

What is mediation?

Mediation is a process where parties to a dispute meet with a neutral person, called a "mediator," to try and resolve areas of conflict. The parties, their attorneys, if applicable, and the mediator discuss the goals of each party and whether it is possible to implement an agreement acceptable to all parties.

Is mediation required in family law matters?

Generally, yes. Prior to the final hearing, and sometimes prior to a temporary hearing, the Court will likely order mediation or the parties may agree on a mediator and establish a date for mediation to take place. The parties and/or their attorneys are then charged with the responsibility of scheduling mediation and otherwise complying with the Order of the Court.



What are the advantages of mediation?

Mediation gives the parties more control than in a trial, and certainty on the result. It saves trial costs, helps save the Court's time, and is generally a friendlier process for the parties.

Does the mediator have to be an attorney?

No, but an attorney-mediator experienced in family law is generally very beneficial in a complicated family dispute.

Do mediators charge a fee, and if so, who pays the fee?

It depends. There are mediators in Bexar County who perform mediations based on the ability of the parties to pay. Generally, the parties split the cost unless they agree otherwise. Most mediators set their fee based on their experience and qualifications and they usually charge by the whole or half day.



Can parties attend mediation without an attorney?

Yes, but generally attorneys participate in mediation to help their clients make informed and reasonable decisions. The parties, not the attorneys, have the final say. It is recommended that you have an attorney represent you!

What happens to the case after mediation?

If an agreement is reached at mediation, the agreement is presented to the judge in the form of an order and generally approved. If no agreement is reached, the case will proceed to a trial and be heard by the judge or a jury, if appropriate.

COLLABORATIVE LAW

What is collaborative law?

Collaborative law is a new process in Texas used by some specially trained attorneys to try and resolve disputes with the attorney and parties through an open sharing of information and cooperation.

How is that different for the attorneys?

An attorney hired for collaborative law cannot represent the client in trial. All disputed issues must be resolved through settlement procedures or the attorney must withdraw.

How is that different for the parties?

The parties must voluntarily disclose all relevant information and not threaten to go to trial. The parties are expected to work with each other respectfully and honestly.

If the parties change their minds about collaborative law, can they go to trial or mediation?

Yes. Either party can stop the process at any time and can proceed on his or her own or with other attorneys.



MARRIAGE AND DIVORCE

Does Texas have an age requirement for marriage?

Yes. Both parties must be at least 18 years old to obtain a marriage license. If either party is under 18 years of age, parental consent or a court order is required.

Can I marry someone who is related to me?

It depends. You may not marry:

- (1) someone who is an ancestor (mother, father, grandmother, grandfather, etc.) or descendent (son, daughter, grandson, granddaughter, etc.);
- (2) your brother or sister;
- (3) your parent's brother or sister (aunt or uncle); or
- (4) your niece or nephew.



Can I legally marry someone of the same sex?

No.

What is a "licensed marriage?"

A "licensed" or "ceremonial marriage" requires a marriage license and is performed by an authorized official (minister, priest, rabbi, judge, etc.).

What is an informal marriage or "common-law marriage?"

By signing and registering an official document of marriage at the county clerk's office, a man and woman can create an informal or "common-law" marriage.

A man and woman may also enter into an informal marriage if they:

- (1) agree to be married,
- (2) live together in Texas as husband and wife, and
- (3) represent to others in Texas that they are married.

There is no minimum time period necessary to create an informal marriage, and living together, by itself, is not enough to create one. An informal

marriage may not be entered into if either party is less than 18 years old.

Is there a "common-law divorce?"

No. However, if the parties to a non-registered informal marriage separate



and live apart for two (2) years or more, the parties may or may not need a divorce depending on the circumstances. If they have children or jointly owned property, they should seek legal counsel. Parties to a registered informal marriage must be divorced in the same as parties who were married in a ceremony with a marriage license.

Is an annulment different from a divorce?

Yes. An "annulment" is a proceeding to have a marriage declared void as

if it never took place. A "divorce" is the proceeding to end a valid marriage. In both an annulment and a divorce, the court will divide property and issue orders regarding any children. The filing fees are similar for both actions.

What are the grounds for an annulment?

An annulment will be granted if:

- (1) the parties are related, by blood or adoption, or
- (2) either party was previously married and the prior marriage has not been dissolved.

An annulment may be granted if at the time of the marriage one party to the marriage was



- (1) underage,
- (2) under the influence of alcohol or drugs,
- (3) impotent,
- (4) mentally incompetent,
- (5) forced to marry by fraud or duress, or
- (6) was misled about a prior divorce.

In most cases, the law requires that the person seeking an annulment must stop living with the other party once the problem is discovered.

Must fault be found against a party for a divorce to be granted?

No. In Texas, a divorce may be granted without either party being at fault. However, a divorce may also be granted when one party is found to be at fault in the break-up of the marriage.

How long must I live in Texas to get a divorce here?

Before filing, one of the spouses must live in Texas for at least six (6) months and in the county where the divorce is filed for at least ninety (90) days.

Is this different if I am in the military?

Not really. Time spent by a Texas resident outside of Texas, while in the military, satisfies the residency requirement in Texas for a divorce.

Am I entitled to a court-appointed attorney?

Not unless there are special circumstances.

Should I have an attorney?

Yes, if at all possible.



What do I do if I can't afford an attorney?

There are several programs in Bexar County that offer help to persons who cannot afford to hire an attorney, but certain financial guidelines must be met. See the resource guide at the back of this handbook for more information.

What is a board-certified family attorney?

Attorneys who meet certain qualifications set out by the State Bar of Texas and pass a special examination may become board certified in family law, evidencing their level of knowledge and experience in this area of the law.

Do the rates charged by attorneys differ?

Yes, depending upon the attorney's knowledge, experience, qualifications, and the complexity of the case.

How do I begin my divorce suit?

A petition for divorce must be filed in the district clerk's office. You will have to pay a filing fee or file an affidavit of indigency, which is also called a pauper's oath.

What if there are children of the marriage?



If there are children born, adopted, or expected during the marriage, the suit for divorce must also address matters of custody, visitation, and child support. If a wife has given birth to a child or is expecting a child since the time she married, but the child is not or may not be the

biological child of her husband, that information must be given to the court as soon as possible. If the wife is pregnant or becomes pregnant while the divorce action is pending, the parties must wait until the baby is born before the Court can grant a divorce. This is true regardless of whether the husband is the baby's father.

Who is the "Petitioner" and who is the "Respondent?"

The party who files for divorce first is called the "Petitioner" and the other party is called the "Respondent."

Does my spouse get notified after I file my petition for divorce?

Yes.

How is my spouse notified?

- (1) By receiving a copy of the petition from a sheriff, constable, or court approved private process server after you have made the request and paid the required fees; or
- (2) By certified mailing from the district clerk's office; or
- (3) If the parties agree, the non-filing spouse may, after the petition has been filed, sign and notarize a document called a "Waiver of Citation", which indicates that the non-filing spouse is accepting service of the lawsuit; or
- (4) If your spouse cannot be located, notice can be published in a Court-approved newspaper or other Court-approved publication.

What happens after my spouse is notified of the filing?

Once a Respondent is officially notified, there is a deadline to file a response to the petition. If the deadline is not met, the Petitioner may be able to go forward and obtain a divorce by "default".

What is a temporary restraining order?

A temporary restraining order ("TRO") is a court order that sets forth the acts which either one or both parties are prohibited from doing immediately after the petition is filed. A TRO usually prohibits bad acts such as committing family violence, harassment, hiding money from the other spouse, attempting to hide a child of the parties, etc.

Can I get a Temporary Restraining Order (TRO) without notice to my spouse?

Yes, if the court approves the request for a TRO; however, it is effective only for a limited amount of time before you must go before the judge at a court hearing and ask that the TRO be put into effect until the divorce is granted. The Respondent must be given notice of such a hearing and have a chance to respond.

What happens if the TRO is violated?

A person who violates a TRO, or any other court order, can be held in contempt of court and punished by a fine and/or a jail sentence.



Can my spouse ask for a divorce also?

Yes. The Respondent may file his or her own request for divorce in a document usually called a counter-petition for divorce.

What happens if I reconcile with my spouse?

You may dismiss your divorce proceedings by filing a request for non-suit.

How soon can the court grant a divorce?

In most instances, a petition for divorce must be on file with the court for at least sixty (60) days before the court can grant a divorce. Proof that the Respondent has received proper notice of the suit for the requisite length of time must be proven to the satisfaction of the judge before a "default" will be granted. In some instances time can be shortened if there is family violence involved.

How long does it take to get a divorce?

If the parties are in agreement, a divorce proceeding can be finalized soon after the sixty-day waiting period is over. If the parties are not in agreement, the time it takes will depend on the court's schedule and the complexity of the case. From start to finish, the divorce process may go through a number of phases that might include temporary orders, exchange of financial information, psychological evaluations (in custody cases), alternative dispute resolution (mediation), trial, and appeal. A divorce in which the parties are not in agreement on some or all issues will usually take several months and up to one year if a trial is necessary. In some instances the waiting period can be reduced to a shorter period of time.



How do I know when my case is set for trial?

The Court will issue an order setting the case for trial that will inform you of the date. Each party must make sure that the Court and other parties are notified in writing at their current address, so that each will receive the order setting the case for trial as well as any other notice concerning the trial.

When am I divorced?

You are divorced when all the property and child related issues are resolved and the presiding judge issues an order, usually called a Decree of Divorce.

How long must I wait to get married again?

In most cases, you must wait thirty (30) days, but the Court can grant a waiver to permit you to marry sooner.



DIVISION OF PROPERTY UPON DIVORCE

What is Community Property?

It is presumed that all property acquired by the parties during the marriage is community property.

What is Separate Property?

Separate Property is that property owned by a spouse prior to marriage or acquired by a spouse during marriage by gift or by inheritance. It can also include monies recovered for personal injuries.



Does the Judge divide community property and separate property at the time of divorce?

No. The judge only divides the community property and liabilities in a "just and right" manner, while taking into consideration the rights of each party and any children of the marriage. In some circumstances, the judge may award more of the community property and/or the liabilities to one of the spouses.

What happens to separate property?

Once proven to be separate, that property is awarded to the party claiming it.

How does a party prove that an item of property is separate property?

There are a variety of methods to prove the separate nature of an item of property. Generally, however, a party must provide evidence of when and how he or she received the property. If it has changed form by being sold and the money held or reinvested, then the party must also provide evidence tracing the change from one form into another.

Does the judge divide the community property 50/50?

It depends. The judge divides community property and liabilities in a "just and right" manner and this may result in the judge giving more property to one spouse.

What factors does the judge consider when dividing the property and liabilities?

In making a division, the judge can consider any relevant factor, which might include evidence of:

- (1) Fault in the break-up of the marriage;
- (2) Differences in earning capacities and education;
- (3) Age of the parties;
- (4) Health of the parties;
- (5) Any special needs of the parties;
- (6) Separate property of either spouse

Who decides the value of my property?

Each party, with or without the help of an attorney, is required to provide the other party with an inventory which identifies the property and lists its value, identifies community liabilities of the parties and sets forth each party's claim to separate property. The judge decides the value of the property, based on the evidence, when there is a dispute that cannot be reconciled.



Must the Judge decide how to divide the property?

It depends. As discussed elsewhere in this handbook, there are many ways to resolve a suit for divorce without having the judge decide the value or division of the assets and liabilities. If the parties agree on the division of their property, at the end of the case, the judge will typically approve the parties' agreement before granting the divorce. If there is no agreement, however, it may be necessary for the judge to make the decisions.

How do I get the property that is awarded to me in the divorce?

There are many methods to get the property you are awarded. These include real estate documents, orders to employers to divide retirement and other benefits, orders in the divorce decree to transfer the property, documents required by banks and other financial institutions directing the division and transfer of funds and accounts, technical business documents and many, many others. Because there are so many types of property and so many ways to transfer property, this handbook cannot address any of them in detail, and **you should consult an attorney.**

It is highly advisable to consult with an attorney in order to preserve and protect your rights.

What happens to community property that is not divided in a divorce?

All community property should be brought up to the judge and divided at the time of divorce. Any community property not divided upon divorce is thereafter owned jointly by both parties. Either party may come back to court and request the judge to divide this jointly-owned property and the judge shall divide the property in a just and right manner, taking into consideration the rights of each party and any children of the marriage. **There are time limits on when these claims can be made so a lawyer should be consulted.**



ALIMONY IN TEXAS

What is alimony? (Spousal Maintenance)

Alimony is a periodic payment of money from one spouse to the other spouse for the support of the other spouse. In Texas, it is called Spousal Maintenance.



Does the State of Texas have court-ordered alimony?

Yes, but it is referred to differently depending on whether it is ordered while a divorce is pending - "temporary spousal support" or, if agreed upon by the parties as part of the terms of a final court order - "contractual alimony" or, if court-ordered in a divorce decree - "spousal maintenance."

What is temporary spousal support?

While the divorce is pending, the Court may make an order requiring one spouse to make temporary payments for the support of the other spouse, based on what the Court finds to be necessary and equitable. This type of "alimony" is not subject to the same requirements as that set out for Court ordered maintenance after divorce.

What is contractual alimony?

This is alimony paid by one spouse to another after divorce based on an agreement between the parties that forms a contract. The person receiving the alimony must usually pay income tax on the money and the person paying may take a tax deduction. Contractual alimony is often used as part of the settlement of a divorce case. The IRS has special rules about how alimony is to be paid and provided for in a divorce decree. An attorney should be consulted to do this.

What is spousal maintenance?

This is alimony that may be ordered by the Court for the support of a spouse after divorce and, as with contractual alimony, there are tax consequences. The person who pays the maintenance is entitled to a deduction from their income tax liability. An attorney should be consulted to properly prepare the necessary paperwork.

Can either a husband or a wife receive maintenance?

Yes.

Under what circumstances would the judge order maintenance in a final decree of divorce?

The judge can order maintenance if either one of the following two circumstances exist:

1. A spouse has been convicted of a crime or received deferred adjudication for a crime that can also be considered an act of domestic violence and this has occurred within 2 years of the filing of the suit or while the divorce is pending;
2. The parties have been married at least 10 years and the financial resources (including any property received by the party in the divorce) of the spouse are limited. In this situation, the spouse asking for maintenance must also be able to prove one of the following:
 - (1) The spouse is unable to support him or herself because of a physical or mental disability;
 - (2) The spouse has custody of a child who requires substantial and continuous care and this makes it impractical for the spouse to work outside the home; or
 - (3) The spouse clearly lacks the ability to earn a living that would meet his or her minimum reasonable needs.

How long can court-ordered maintenance last?

The judge can set a time not to exceed 3 years, unless the spouse receiving maintenance cannot become self-supporting in that time period due to an incapacitating physical or mental disability.

How does the judge determine the amount of maintenance to be ordered?

The amount of maintenance can be up to as much as \$2,500.00 per month or 20% of the paying spouse's average monthly gross income, whichever is less.

Can the judge order that maintenance payments be withheld from the paying spouse's income?

Yes. Just like child support, the judge may order that the maintenance payments be withheld from the paying spouse's paycheck. However, they cannot be taken from a person's unemployment insurance benefit payments.

Can the judge order that contractual alimony payments be withheld from the paying spouse's income?

No, unless the contract specifically permits income withholding.



If my spouse doesn't pay court ordered alimony, what can I do?

Depending on the type of alimony, you may do one or more of the following:

- (1) ask for a wage-withholding order as described above;
- (2) sue to enforce the contract if the alimony is contractual;
- (3) sue for enforcement by contempt of the court's order; or
- (4) seek a money judgment if the alimony is maintenance ordered by the court.

CUSTODY



When do I need a court order concerning my children?

You should obtain a court order for custody when you are separated but not divorcing, when you are divorcing, or when a paternity or legitimization suit has been filed.

What exactly does "custody" mean?

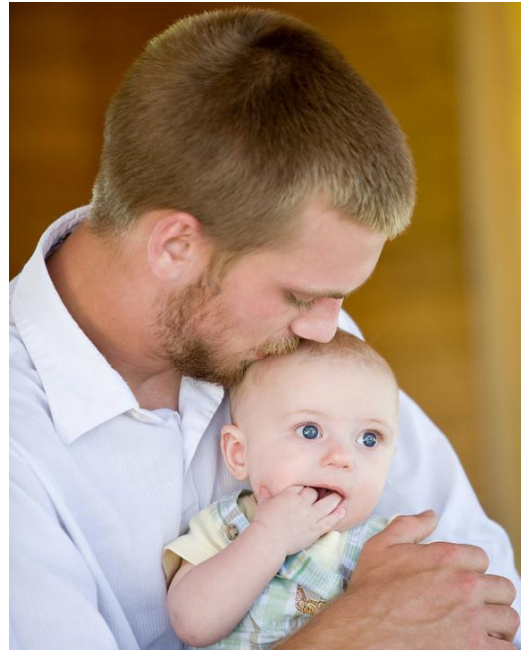
In Texas, "custody" and "conservatorship" are terms that are used to define the rights and duties each parent will exercise for the benefit of the children and specify who will make certain decisions on their behalf, including where the child or children will reside.

Is this different from who has possession of the child?

Yes. There will be either an agreement or a court decision as to what times the children will spend with each parent and, in particular, the parent with whom the child does not primarily reside.

Will one parent have more control over the children than the other parent?

Except in extreme circumstances, which must be discussed with an attorney, each party will have certain legal rights as a parent. The legal rights each parent has do not determine how much time that the parent will have with the child. Some legal rights belong to both parents at all times (such as the right to consult with the child's school or doctors); some legal rights belong to both parents and apply when



the child is with them (such as the right to discipline the child or provide emergency medical care); and some legal rights will be given to only one parent (such as the right to say where the child will live or to consent to surgery that is not an emergency.)

In some cases the court may determine a specific area where the child will live (i.e., a particular county, such as Bexar County) or which school the child will attend.

Does joint custody (or Joint Managing Conservatorship) mean the child lives half of the time with each parent?

No. Joint managing conservatorship is a sharing of the rights, duties, and powers parents have concerning their children. The specifics should be discussed with an attorney.

Do the parents have to be named joint conservators?

It depends. It is now the preference in Texas; however, there can also be

orders naming a sole managing conservator instead. The difference between sole and joint custody should be discussed with an attorney.



Where will my child live after the divorce?

More than likely, your child will live the majority of the time with the parent who is given the legal right to decide the child's place of residence.

Will the type of custody (sole vs. joint) affect a parent's time of possession with the child?

Generally, "no". No matter what the custody arrangement is called, the court's goal is to keep the child in a stable environment while encouraging a relationship with both parents. There are guidelines for visitation between each parent and the child, which make provisions for weekends, spring break, Father's day, Mother's day, summer, Thanksgiving, and Christmas. These guidelines are called a "standard possession order". The times with the child are shared, especially during the holidays. There are guidelines for visitation if the parties live within 100 miles of each other and another set of guidelines if the parties live further away. The second set of guidelines are sometimes called "long distance visitation" and they provide extra time at spring break and in the summer. There can also be provisions for other religious holidays such as Hanukkah or Ramadan. The parents can always make their own agreements about visitation. The court will order specific times in case the parties cannot agree.

Is there an age when a child may decide for himself where he will reside?

No, but at age 12 a child is allowed to express a preference stating that child's desires. The "choice" is not binding on the Court, and is only one factor the Court looks at in deciding with which parent the child will live and what is in the child's best interests.



What if I have to move after the order is signed by the judge?

If the child lives with you under an order restricting the county where the

child may live and you have to move outside that area, you must receive permission from the Court before the child can move.

If the court has not restricted where the child lives, you may move after giving notice to the other parent.

How much child support will I receive or will I have to pay?

Child support is set according to a formula and the specifics should be discussed with an attorney. Generally, however, under Texas law, child support is presumed to be proper if set at the following percentages based on an income of up to \$7,500.00 net monthly:



- 20% of net resources for 1 child
- 25% of net resources for 2 children
- 30% of net resources for 3 children
- 35% of net resources for 4 children
- 40% of net resources for 5 children
- Not less than 40% for 6 or more children

Net resources include salary, commissions, overtime, tips, bonuses, dividend income, self-employment income, net rental income, severance pay, retirement benefits, pensions, trust income, annuities, capital gains, social security benefits, unemployment benefits, interest income, gifts, prizes, spousal maintenance, and alimony.

In determining net resources, the court will take the total amount of money received from all sources and deduct social security taxes, federal taxes using only one deduction, state income tax, union dues, and the cost of the child's health insurance.



The court will consider if the person paying support has other children to support, which will usually entitle the person paying to a discount. The court may also consider other factors when setting a child support amount, all of which should be discussed with an attorney.

The court will order health insurance to be provided for the child. The parent paying child support will probably be the parent ordered to provide health insurance. Both parents are usually ordered to share payment of the medical costs that are not paid by the insurance company.

How will the child support be paid?

It will be ordered paid monthly, semi-monthly, bi-weekly or weekly. Unless the parties agree or the court finds a good reason not to, the child support will be deducted from the salary of the person paying support. This is called wage withholding. An attorney should be consulted to assist with wage withholding.

What if the support is not paid?

You can ask the court for help in enforcing the order. Enforcement of court orders is discussed in a later section of this handbook.



SPECIAL APPOINTMENTS AND AD LITEM REPRESENTATION



What is an ad litem?

An ad litem is a special person appointed by the judge to protect or represent the interests of a person involved in a lawsuit, usually a child or children. The services of an ad litem end when the lawsuit is over.

Is an ad litem appointed only to represent children in custody lawsuits?

No. Ad litem are also appointed to represent:

- (1) persons who are legally incompetent;
- (2) persons whose parental rights are sought to be terminated when they cannot afford to hire a lawyer;
- (3) any party in a lawsuit when the judge feels representation is necessary to protect the interest of a child;
- (4) "missing" or "unknown" parties; or
- (5) children in a termination and/or adoption case.

Who appoints the ad litem?

The judge of the court where the lawsuit is pending will make the appointment.

Are there different kinds of ad litem?

Yes, there are three different kinds of ad litem, an attorney ad litem, a guardian ad litem, and an amicus attorney. Each kind has a



different role and will be appointed depending on the type of case. The specific duties of each kind are set forth in the Texas Family Code, and should be discussed with an attorney.

In cases involving the Texas Department of Family and Protective Services, a guardian ad litem reports to the court on the best interests of the child. An attorney ad litem generally makes the child's desires known to the court by calling and questioning witnesses, not testifying. In such cases an attorney may be appointed both as attorney ad litem and guardian at litem.

A person who is appointed to advocate for a child and assist the court in a custody case not involving the Department of Family and Protective Services is called an amicus attorney.



Whether the court appoints an attorney ad litem, guardian ad litem, or amicus attorney, depends on the type of case. The ad litem's specific duties are set forth in the Texas Family Code and should be discussed with an attorney.

Does an ad litem have to be an attorney?

An attorney ad litem must be an attorney. A guardian ad litem need not be an attorney, but often is. An amicus attorney must be an attorney.

Do ad litem charge a fee, and if so, who pays it?

Ad litem are generally allowed a fee for the reasonable and necessary

services they perform. Unless the parties agree, the judge decides who will pay the ad litem's fee.

Can the ad litem be dismissed or fired?

A party may object to the ad litem at any time before the trial of the lawsuit actually begins. The judge may order the removal of an ad litem if the judge finds that the objection raised by a party to the lawsuit is reasonable.

What is an amicus attorney?

An amicus attorney is an attorney appointed by the court in certain cases to help the judge make decisions about a child's best interests. It is a role similar to an ad litem, but the difference is that an amicus attorney is appointed specifically to help the judge and does not provide legal services directly to a child.



GRANDPARENT RIGHTS TO VISITATION

May I ask the judge for visitation with my grandchild?

Yes, under certain circumstances.

Under what conditions could a judge grant my request for visitation with my grandchild?



Generally, if the child's parent (who is your child) has been incarcerated, divorced, or has died, the judge may give a grandparent rights to see their grandchild if the judge also finds that visitation with the grandparent is in the child's best interest. If you are considering filing a lawsuit to be able to visit with your grandchild, you should discuss the specifics of your case with an attorney because this area of the law is unsettled.

PARENTAGE/PATERNITY SUITS



What is a parentage suit?

This is a lawsuit to determine a legal biological parent.

Who is a presumed father?

The following is an oversimplification of a very complex area of law. Please consult an attorney. A presumed father is a man who is recognized to be the father of a child until that status is either rebutted or confirmed in a later court proceeding. A man is a

presumed father if he is married to the mother of the child at the time of the child's birth, or was married to the mother within 301 days of the child's birth. A man is also a presumed father if he married the mother after the birth of the child and:

- (1) voluntarily asserted his paternity of the child and that assertion is filed with the bureau of vital statistics,
- (2) is voluntarily named as the child's father on the birth certificate,
- (3) promised in writing to support the child as his own; or
- (4) during the first two years of the child's life, continuously resided in the household with the child and represented to two others that the child was his own.

Who is an acknowledged father?

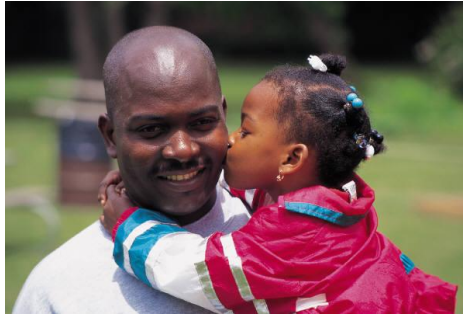
An acknowledged father is a man claiming to be the father of a child who, along with the mother of the child, has signed an acknowledgment of paternity. An acknowledgment of paternity is a form that is signed by the mother and the man claiming to be the father, under penalty of perjury. The acknowledgment is filed with the Bureau of Vital Statistics. Once filed, an acknowledgment has the same effect as a determination of parentage by a court. If the child has a presumed father who is not the man claiming to be the father of the child, the presumed father must also sign the



acknowledgment.

What is an adjudicated father?

An adjudicated father is a man who has been found to be the father of a child by a court.



Under what circumstances is a parentage suit filed?

A parentage suit is filed when there is a need or a desire to legally determine the biological parent of the child.

Who may file a parentage suit?

Generally, the following people may file:

- (1) the mother;
- (2) the man who wants to determine his parentage;
- (3) a relative of the child's mother or alleged father if that parent is deceased;
- (4) the child (either individually or through a representative);
- (5) a government agency; or
- (6) any person related to the mother of the child (within the second degree of consanguinity) if the mother is deceased.

You should consult an attorney for more clarification on this issue.

When can you file?



A suit to determine the parentage of a child may always be brought before the birth of the child. If the child does not have a presumed, acknowledged, or adjudicated father, the suit to determine parentage may be filed at any time, including after the child becomes an adult.

If the child has a presumed father, a suit to determine parentage must be brought before the child's fourth birthday. However, if the court finds that the presumed father and the mother did not live together or engage in sexual intercourse with each other during the probable time of conception and the presumed father never openly treated

the child as his own, a suit to determine parentage may be brought at any time.

If the child has an acknowledged or adjudicated father, a man who did not sign the acknowledgment or who was not a party to the court proceeding may file a suit to determine parentage of a child within 4 years of the acknowledgment or adjudication.

Why is a parentage suit filed?

A parentage suit is filed to establish the child's legal relationship with a biological parent and to establish child support, visitation, and custody of the child. In certain cases, the court may also reimburse the biological mother for pre-natal and post-natal expenses related to the child's birth.

What happens after a parentage suit is filed?

Unless the parties agree on parentage, the court will order the child and the parties to submit to genetic testing. Genetic testing can be of blood, buccal cells, bone, hair, or other body tissue, but it is now usually done by a cheek swab. The court may not order genetic testing of a child before it is born.

Who pays for the blood tests?

If the parties cannot agree, the court will decide. In most cases, the parties will share the cost equally.

What happens after the genetic tests?

The lab conducting the test will prepare a report for the court. If the test shows that the tested man is not the parent, the court will dismiss the case. If the test shows that there is a 99% probability that the tested man is the father, the court will find the man to be the biological father of the child unless other testing excludes the man as the father or identifies another man as the possible father. Once the man is found to be the father by the court, the court will decide custody, visitation, and support if the parties cannot agree.



Is the child's name affected?

If the father requests, the court may order that the name of the child be changed to the father's last name. However, in some circumstances, the child will retain the mother's name.

What if the biological father does not want to have anything to do with the child and wants to terminate his rights to the child?

A proceeding for the termination of the father's rights may be filed. Whether this is granted will depend on the court's finding that it is in the



best interest of the child. This procedure is discussed in more detail in the "Adoption" section in this handbook.

Can I settle my case out of court?

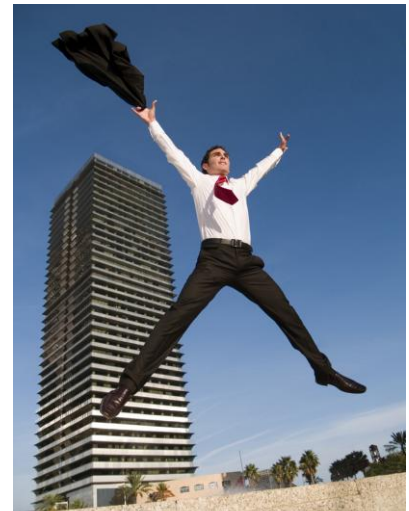
Yes. The case can be settled between the parties and through their attorneys or through a process called mediation, which is discussed in the "Mediation" section of this handbook. If you settle without mediation, the court may appoint an attorney to make sure that the child's interest is protected under the law. The court must find that all parts of the settlement are in the best interest of the child before it will approve the agreement.

What if the biological father wants to voluntarily admit he is the father of the child?

A man may voluntarily admit he is the father of the child by signing an acknowledgment of paternity, with the mother, or by filing a suit to determine parentage and admitting he is the father.

How does an unmarried man protect his rights as a father?

It is presumed that a man who has sexual intercourse with a woman should know that the act could result in a pregnancy. Therefore, to protect the parental rights of a father who is not the presumed biological father, has not been found to be the biological father of a child by a court order, or has not signed an acknowledgment of paternity, the man should register a claim of parentage with the Bureau of Vital Statistics*. These forms are found in hospitals, birthing centers, the Bexar County Clerk's office, and other locations. The registration should occur prior to the child's birth, and may not be filed more than 31 days after the birth of the child. If the registration is not filed, the man must sign an acknowledgment or file a suit to determine parentage.



*Commonly known as the "Paternity Registry"

TERMINATION OF PARENTAL RIGHTS

Can my parental rights to my child or children be terminated against my will (Involuntary termination)?

Yes, your rights can be terminated involuntarily. Involuntary termination of parental rights is a two-part procedure. Culpable parental conduct has to be proven and it must be independently proven that such termination is in the best interest of the child or children.

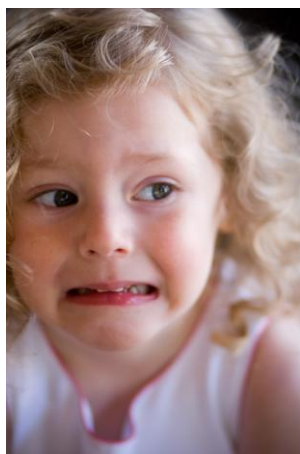
What are examples of culpable parental conduct?

The list is long and legal advice should be obtained from a competent attorney.



Some examples are:

- (1) leaving your child with another or alone and expressing intent not to return;
- (2) leaving a child alone or with someone else (not the parent), not saying when you are returning, providing inadequate support, and staying away 3 or more months;
- (3) leaving a child in dangerous surroundings;
- (4) taking action that harms a child emotionally or physically;
- (5) failing to support a child according to your ability for a year;
- (6) abandoning a child with no identification;
- (7) abandoning the mother of the child during pregnancy and, after birth, providing no means of support;
- (8) signing an affidavit of relinquishment of parental rights;
- (9) being found criminally responsible for the serious injury or death of a child;
- (10) being the cause of a child being born addicted to alcohol or controlled substances, etc.



And many more.

Advice from an attorney is essential in this area of the law.

May I voluntarily give up my rights to my child(ren)?

Yes. Your parental rights can be terminated if you voluntarily sign a document called an Affidavit of Relinquishment of Parental Rights and demonstrate such termination would be in the best interest of the child or children.

This is a complicated legal proceeding and you need to consult with an attorney.

What is the effect of termination of parental rights?

You no longer have any rights or further legal obligation to the child or children.

Is termination of parental rights a necessary step for an adoption?

Yes.

ADOPTION

Who can place a child for adoption?

Either a birth parent or a licensed child-placing agency may place a child.

How do I find a licensed child-placing agency?



Contact the Texas Department of Protective and Regulatory Services (512) 438-4800 and they can provide you a list of agencies.

What is involved in the adoption process?

Before an adoption can be finalized, the parental rights of one or both of the birth parents must be terminated by court order. Next, a petition for adoption must be filed with the proper court, and the child must live with the adoptive parents for at least six months. An ad litem for the child may be appointed and a social study, background check, and criminal history check of the adoptive parents must be performed. A health, social, education, and genetic history report of the child must also be prepared (except in a step-parent adoption). Once these matters have been completed, a hearing is held for the court to determine if the adoption is in the best interest of the child.

My current spouse wants to adopt my child from a previous marriage. What is the process?

The process is the same as any other adoption except that the parental rights between the child and the spouse of the step-parent seeking adoption are not terminated and a health, social, education, and generic history report of the child are not necessary.

Under what circumstances may a court terminate a birth parent's rights?

Parental rights may be terminated as follows:

1. Voluntary relinquishment by the birth parent upon signing an affidavit giving up that parent's rights or an alleged father's failing to register with the state's paternity registry; or
2. Involuntary termination by the court upon finding specific reasons set out in the Texas Family Code, as well as a finding that termination of the parent-child relationship is in the child's best interest.

How do I begin the adoption process?

If you and the birth parents agree to an adoptive placement, contact an attorney to start the process to terminate the parental rights of the birth parents. If you select a licensed agency, the agency will begin the process.

Are the court records of an adoption open to the public?

In most cases, no. However, once an adopted child reaches 18 years of age, the child may request that the court open the records. A court may or may not grant the request. For further information, contact:

Texas Department of Regulatory and Protective Services
P.O. Box 149030,
Austin, Texas 78714-9030
(phone (512) 438-4800)



Do I get a new birth certificate for my adopted child?



Yes. The new birth certificate looks identical to any other birth certificate. The parent information names the adoptive parents as the birth parents and does not indicate that the child is adopted.

MODIFYING CUSTODY, VISITATION & CHILD SUPPORT

Can the terms of a divorce decree or prior court order regarding children be changed?

Yes, through a process called modification.

What terms can be modified?

A court can modify previous court ordered provisions for custody (conservatorship), visitation, and child support.



Which court can modify an order regarding children?

A request to modify custody, visitation or child support must be filed in the court that last entered an order

regarding the children.

Who can file a request to modify an order regarding children?

Generally, any person who is affected by the court order can request a modification.

What are the reasons (grounds) that a court will modify custody of a child?

The grounds for a change of custody are complex and should be discussed with an attorney. The court may consider whether there has been a significant change in

the circumstances of the parties or of the child(ren), or whether a person with visitation has been convicted of child abuse or family violence and whether modification would be in the best interest of the child(ren).



Do I have to wait a certain amount of time before I can file a motion to modify custody?

Generally, there is a one-year time period from the date of the last court order. However, if you are seeking to change custody less than one year

after the original order was signed, then the court has special requirements that you must show in a sworn affidavit before the suit can go forward. In the case of an emergency, the timing of the suit is usually not an issue. But in other circumstances, it is probably wise to wait at least one year before you attempt to change custody. An attorney should be consulted regarding these issues.

At what age can my child choose where to live?

A child 12 years or older may state a preference to the court naming the parent with whom the child wishes to live; however, this choice is not binding on the court because the court must also consider what is in the child's best interests.

How can I get legal custody if my child is living with me but the other parent has court-ordered custody?

If the person having custody of the child under the last court order voluntarily leaves the child in the possession of another for a period of more than 6 months and the court finds that this arrangement is in the best interest of the child, the court may modify custody upon the filing of the proper motion with the court.

What are the reasons (grounds) that a court will modify the periods of possession of a child?

The grounds for a change in visitation can be complex and should be discussed with an attorney. The court may consider whether there has been a significant change in circumstances of the parties or the child, whether the visitation order is unworkable or inappropriate, whether the person with custody moved out of state or moved without giving proper notice, whether a person with visitation rights repeatedly fails to exercise them or whether a person with visitation rights has a significant history of alcohol or drug abuse.

What are the reasons (grounds) that a court will modify child support?

Child support may be increased or decreased if there has been a substantial change in circumstances of the parties or the needs of the child. Child support can also be modified if it has been at least three years since the last child support order and the new amount calculated under the child support guidelines differs by either 20% or \$100.00 from the amount of support currently ordered.



FAMILY VIOLENCE: PROTECTIVE ORDERS

What is a protective order?

A protective order is a court order issued to protect victims of family violence and dating violence.

What is "family violence"?

"Family violence" is an action or the threat of an action by a member of a "family" or "household" against another member of the "family" or "household" that is intended to cause physical harm, bodily injury, physical assault or sexual assault or reasonable fear of such action. Abuse toward a child of the family or household and dating violence are also "family violence."

What is dating violence?

"Dating violence" is an action or the threat of an action by a person against another person with whom they have or have had a "dating relationship" that is intended to cause physical harm, bodily injury, physical or sexual assault, or reasonable fear of such action.



Do I have to give my address and phone number when I apply for a protective order?

You may not have to give your home or work address and telephone numbers or the address and telephone number of a protected child's daycare or school. The judge will make this decision.



Who can file a protective order?

For "family violence," any adult in a household can file for themselves or any other member of the household, including a child who needs protection.

For "dating violence," any adult members of the dating relationship can file for themselves.

Any adult may apply for a protective order to protect a child from family violence.

The Attorney General, the District Attorney or the Department of Protective and Regulatory Services may also apply for any person who is a victim of family violence.

How much does it cost to apply for a protective order?

There is no fee to the person applying for the protective order, but a person found by the court to have committed family violence may have to pay for certain court costs.

What happens to a person found to have committed family violence?

The court may issue an order stopping a person found to have committed family violence from:

- (1) committing more family violence;
- (2) communicating directly or indirectly with a person protected by the order;
- (3) going near the home or work place of a person protected by the order;
- (4) going near the home, day care or school of a child protected by the order;
- (5) following, harassing, annoying, alarming, abusing, tormenting, or embarrassing a person protected by the order; and
- (6) having a firearm.



How are law enforcement agencies notified of protective orders?

The clerk of the court sends a copy of the order to the appropriate law enforcement agencies in the area where the member of the family or household protected by the order lives. The order is also entered into the statewide law enforcement information

system maintained by the Texas Department of Public Safety (DPS).

Will Texas courts enforce a protective order from another state?

Yes, Texas courts will enforce valid protective orders from other states.

How long is a protective order effective?

A protective order is effective for not more than two years, and less if the judge decides.

CHANGE OF NAME OF A MINOR CHILD

May I change my child's name?

Only with the court's approval, may a parent, a managing conservator or a guardian of the child file a lawsuit (a petition) requesting that the name of the child be changed. If no opposition or if the reasons for the name change are legally sufficient, a child's name may be changed.



Where would I file a petition to change my child's name?

File the petition in a District Court in the county where the child resides. If the child has been the subject of a previous lawsuit in a certain court, then the petition must be filed in that same court.

Does the other parent have to know if I file the petition?

Yes, the following persons are entitled to notice and service of citation when the petition is filed:

- a parent (whose rights have not been terminated);
- any managing conservator of the child; and
- any guardian of the child.





What is required in the petition?

A petition to change the name of the child must include:

- (1) The name and address of the child;
 - (2) The reason a name change is being requested;
 - (3) The full name requested for the child;
 - (4) Whether the child has previously been before the court before;
- and
- (5) If the child is 10 years of age or older, the child's written consent to the name change must be attached to the petition

The petition must be sworn to before a notary public.

CHANGE OF NAME OF AN ADULT

May I legally change my name?

Yes, with the court's approval. If you are getting a divorce you may request a name change within that lawsuit. If you are not getting a divorce, then you file the request as a separate lawsuit.

Where should I file the petition?

A petition for name change should be filed in a Civil District Court or a Family District Court in the county of your residence.

What is required in the petition?

A petition for name change of an adult must include, among other things:

- (1) Your name and address;
- (2) The full name you are requesting;
- (3) The reason for the name change;
- (4) Whether you have been convicted of a felony; and
- (5) Whether you are required to be registered as a sex offender.
- (6) Other requirements such as fingerprint record.

REMOVAL OF A CHILD'S LEGAL DISABILITIES

Can a child file a suit so that they are no longer under their parent's authority?

Yes. A child can file a petition seeking to remove disabilities of minority. In this type of suit, a child may file without an adult.

What is required to file this suit?

The petition must include:

- (1) The name, age and address of the child;
- (2) The name and address of each living parent;
- (3) The name and address of any legal guardian;
- (4) The name and address of the person with custody;
- (5) The reasons why the removal of disabilities of minority would be in the child's best interest; and
- (6) The reason why removal is requested.



Must the parents consent to the removal of disabilities?

Generally, yes. Parents must "verify" the petition, which means that at least one parent must sign the petition and it must be notarized. However, if a person with custody or a guardian has been appointed, that person may verify the petition. If these people are unavailable, the court will appoint a guardian ad litem to verify the petition.

Where is the petition filed?

The petition is filed in the county where the child lives.

Does the court always grant such a petition?

Not necessarily. The court has discretion to do what is in the child's best interest.



Can the court remove some but not all, disabilities?

Yes. The court's order must state the limited or general purposes for which the disabilities are removed.

What does "general" removal of disabilities mean?

If a child's disabilities are removed for general purposes, this would mean that a child would have the legal right to act as an adult, including the right to enter into a contract. However, the child would still be subject to statutory and Constitutional age restrictions, such as the legal right to vote or to drink alcohol.

If a child's disabilities are removed in another state, must another proceeding be filed if the child moves to Texas?

No. You may file a certified copy of the order removing disabilities with a court in the county to which the child moves. The order will give the child the same legal rights as if the order were originally signed in Texas.



Where do you file the order from another state?

You may file it in the deed records of the county where you live.

ENFORCEMENT OF COURT ORDERS



What is enforcement?

Enforcement is when a lawsuit is filed against a person for violating a court order.

What orders can be enforced?

A family court may enforce orders for any of the following:

- (1) support;
- (2) visitation;
- (3) property division ordered in a divorce or annulment;
- (4) spousal maintenance (sometimes called alimony)

How does a person file for enforcement if the other person is not paying court-ordered child support or allowing court-ordered visitation?

The following agencies or individuals may seek to enforce court orders for child support and/or visitation:

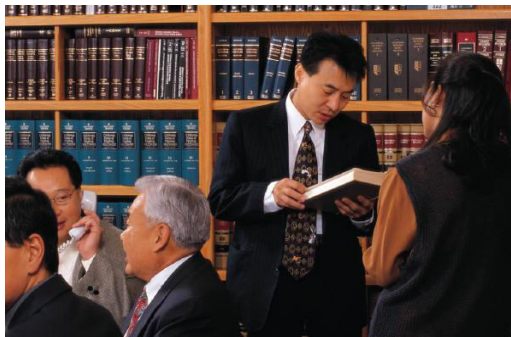
- (1) The Texas Attorney General can enforce child support orders.
- (2) Private attorneys can enforce child support and visitation orders.
- (3) The Domestic Relations Office can enforce visitation orders.
- (4) Attorneys working for child support collection companies can enforce child support orders.
- (5) A court may appoint an attorney to investigate and file for enforcement if a person alleges that a child support or visitation order has been violated. This is called a "308a appointment".



What does the Texas Attorney General do?

The Texas Attorney General establishes and enforces child support orders on behalf of the State of Texas. In most cases, the Attorney General is involved in cases where a person has received some form of public assistance, such as TANF, or Medicaid. The Attorney General may use administrative collection methods, such as writs of withholding and IRS intercepts, and may also review and adjust child support orders to comply with the Texas Family Code guidelines. The Attorney General does not represent individuals. If you apply with the Attorney General for assistance, you must assign your child support rights to them. Cases filed by the Attorney General are sometimes heard by associate judges or a District Judge.

What about using private attorneys for enforcement?



Anyone may hire their own attorney to represent them in an enforcement proceeding. Enforcement is a very technical area of family law. Not all family law attorneys handle enforcement cases.

How do I get to court to hear my case?

A motion for enforcement is filed with the court and your case is set on the court's docket for a certain date and time. If contempt is requested, the other person must be personally served with the motion and ordered to appear in court at the designated date and time.



Either a constable or authorized private process server must deliver the documents. You cannot deliver the papers yourself, nor can they be served by mail or left with someone else at the person's residence. The other person is entitled to at least ten (10) days' notice before the hearing.



What happens when we go to court?

You are usually given an opportunity to settle your case before you have a hearing in front of the judge. If you cannot settle your case, you have a hearing before the judge or associate judge. The other person may be entitled to a court-appointed attorney, and if so, your case may be reset in order to give the attorney time to discuss the case with their new client.

What kind of agreement can be reached?

In child support enforcement cases, an agreement frequently includes the following:

- (1) A judgment for the total amount of money owed, including interest.
- (2) A finding of contempt for specific dates that the person failed to pay the amount ordered.
- (3) Punishment (jail time or fine, or both).
- (4) Suspension of punishment based on certain terms: payment of attorney's fees and costs of court.



(5) A compliance date (another court date) to determine if the agreed terms have been complied with, and if they have not, for enforcement of the terms of punishment.

In visitation enforcement cases, an agreement frequently includes the following:

- (1) A finding of contempt for specific dates that the person failed to allow visitation as ordered.
- (2) Punishment (jail time or fine, or both).
- (3) Suspension of punishment based on certain terms: allow regular visitation, allow extra visitation to make up for periods denied, payment of attorney's fees and costs of court.
- (4) A compliance date (another court date) to determine if the agreed terms have been complied with, and if they have not, for enforcement of the terms of punishment.

What happens if the judge hears the case?

The judge may find the other person in contempt and sentence them to jail, or may find them in contempt and suspend the jail sentence based on certain terms, including ordering them to pay back the money they owe or allow extra visitation periods. The judge may deny the contempt but order other relief including a money judgment for child support arrears, ordering the person to pay the arrears, awarding extra visitation to make up for periods denied, and ordering the person to pay attorney's fees and costs of court.



What happens if the jail sentence is suspended?

A jail sentence may be suspended for up to ten years. A compliance hearing may be set for the person to appear in court at a later date to determine if they have complied with the terms of suspension (paying money, allowing visitation, etc.) and if they have not, they may be sent to jail at that time. After the compliance date has passed, if the person later fails to comply, another lawsuit called a motion to revoke can be filed.

Can the court appoint an attorney to represent a person who has been served with a motion for enforcement?

Yes. If the motion includes a request for jail time, the court may appoint an

attorney to represent a person that the court determines cannot afford to hire his or her own attorney. Most courts will require the person who requests a court-appointed attorney to complete an affidavit regarding their financial status and/or have a hearing to determine if the person is entitled to a court-appointed attorney.

Are there any defenses that can be raised by a person accused of violating a court order?

Yes, there are several defenses, counter-claims, and offsets that may apply, but this is a very complex issue and should be discussed with an attorney.

What happens if the other person does not show up for the court date?



If a person has been properly served and does not appear at the designated date and time, the court may grant a warrant for their arrest and may also grant a default judgment against them as to the amount of past due child support owed.

Can extra money be withheld from a person's earnings to pay back child support?

Yes. The court must order income withholding in all cases, even when the person is self-employed. The court can order that an additional amount be withheld for past due child support in addition to regular child support payments.

Are there certain requirements for an order to be enforceable by contempt?

Yes. The court order must be clear and specific and probably needs to be written by an attorney. For example, a visitation order must order the custodial parent to surrender the child to the visiting parent at a specific place and at a specific time, and a child support order must order a person to pay a specific amount on specific dates. If an order is not properly written, the judge may not be able to hold someone in contempt for violating that order, but the judge may clarify the order so that in the future the order will be enforceable.

Can you still enforce child support and/or visitation orders when one or both parties move out of Texas?



Yes, the Texas court can enforce the order. If the person violating the order, or both people, has moved out of Texas, you should consult an attorney for advice.

What about when the person violating the order moves to Texas from another state?

Whether Texas would enforce the order depends on many factors and you should consult an attorney for advice.

What if my child support is set too high and I can't afford to pay it?

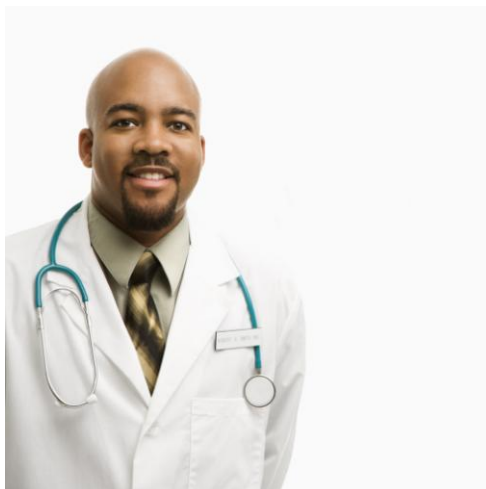
You should consult with an attorney about filing a motion to reduce your child support. You may also request that the Attorney General review your child support order and adjust it to meet the Texas Family Code guidelines, if appropriate. However, until you obtain a new order reducing the child support, you are responsible for paying the ordered amount.



In an enforcement case, can the court reduce the total amount owed?

No. The court may not modify or reduce the amount of past due child support. Under certain circumstances, a person may be entitled to an offset or credit. The court must render one judgment for the total past due child support, including interest. The court cannot reduce the amount of ongoing child support in an enforcement case. A person who wants their ongoing child support amount reduced should file a motion to modify.

What if a person fails to provide health insurance or pay uninsured health care expenses as ordered?



These obligations are usually considered additional child support obligations and may be enforced as discussed here. Some orders for these obligations may not be enforceable by contempt. Specific details should be discussed with an attorney.

What about child support liens?

A child support lien may be filed in certain cases. Child support liens attach to all real and personal

property not exempt under the Texas Constitution, including bank accounts and claims for personal injury, but not against a person's homestead. More specific details should be discussed with an attorney.

If someone fails to pay child support, can his or her driver's license be suspended?

Yes, under certain circumstances. If a person owes back child support equal to or greater than the total support due for 90 days and they have been given an opportunity to make payments toward the arrearage but failed to comply with the repayment schedule, the court or the Attorney General, after proper notice, may suspend any licenses issued to that person by the state of Texas, including a driver's license, professional license, and hunting and fishing licenses.



If one person is not paying child support, does the other person still have to let them see the children?

Yes. One person's failure to pay child support does not justify denying that person court-ordered visitation. Likewise, one person's refusal to allow visitation does not justify failure to pay court-ordered child support to that person.

What can be done if a child is taken out of the country in violation of a court order?

The remedies available when a child is illegally removed from the United States are very complex and specific details should be discussed with an attorney.



What about enforcement of property orders?

The court has the power to enforce its orders for property division, including ordering a person to deliver specific property, awarding money damages if property cannot be delivered because it has been destroyed, ordering a person to sign specific documents to transfer property, and ordering a division of retirement or pension benefits. Specific details should be discussed with an attorney. The agencies described above cannot assist with actions to enforce property divisions.

Can the court enforce alimony payments?

Yes. Spousal maintenance payments may be enforced by contempt. Also, the

court may order income withholding for spousal maintenance payments just as it does for child support.

Can I recover my attorney's fees and court costs in the enforcement action?

Yes. Attorney's fees and court costs are generally recoverable in any suit to enforce a court order. The court may order a person to pay attorney's fees and court costs as a condition of a suspended jail sentence.

PARENTAL LIABILITY

Is a parent in Texas liable for damage caused by his/her child's actions?

Yes, in some circumstances. A parent is liable for damage to property caused by the willful and malicious acts of a child who is between the ages of 10 and 18 years of age. A parent is also liable for the negligent conduct of a child if the parent has negligently failed to supervise or control the child and the parent had a duty to do so.



Are there limits on the amount of money a parent must pay if the court finds his child responsible for property damage?

Yes. In most cases, recovery for damage caused by the willful and malicious acts of a child is limited to \$25,000 per act, plus court costs and attorney's fees. However, in the case of damage to an inn or hotel, incidents in more than one room or on more than one day count as separate acts, each subject to an additional \$25,000.00 in damages.

CHILD PROTECTIVE SERVICES



Who is Child Protective Services?

Child Protective Services (CPS) is a state agency charged with the task of investigating complaints involving the welfare of children. Complaints primarily involve claims of physical abuse or medical neglect.

Whenever a complaint is received it is categorized into one of two priorities:

- (1) Priority 1 - claim that a child is at **immediate** risk for physical harm or abuse that could result in serious harm or death - CPS has 24 hours to initiate the investigation.

(2) Priority 2 - all other claims involving children - CPS has 10 days to initiate the investigation.

An investigator may come to your home and sometimes may come with a police officer and demand to speak to you or your children.

What can I do?

You do not have to agree to cooperate and speak to the investigator.

You do not have to allow anyone in your home including a police officer - even if the officer tells you that they are there “to do a welfare check”.



You can agree to cooperate with the CPS investigation.

What should I know?

If the investigator believes the welfare of the children are at risk, your

failure to cooperate can result in legal action that forces you and your family to cooperate in a CPS investigation.



If you refuse to cooperate and the investigator believes the children are at **immediate** risk for physical harm or abuse the investigator may seek a court order to take immediate possession of the children - a judge can authorize the taking of the children. If a judge authorizes the immediate removal of the children from your

home you should release the children into the care of CPS.

Cooperation with the initial investigation can result in a determination that the children are not at risk for abuse or neglect and the case can be closed.

If a CPS investigation is started what are the possible outcomes?

The investigation can result in 5 determinations:

(1) **Reason-to-believe:** CPS concludes that abuse or neglect has

occurred.

- (2) **Ruled-out:** CPS concludes that abuse or neglect has not occurred.
- (3) **Unable to complete:** CPS concludes that either the family has moved and could not be contacted or the family refused to cooperate with the investigation.
- (4) **Unable-to-determine:** CPS could not determine that abuse or neglect has occurred.
- (5) **Administrative closure:** CPS involvement is unwarranted even though the case was reported.

Unless the result of the investigation involves legal action you may be asked to



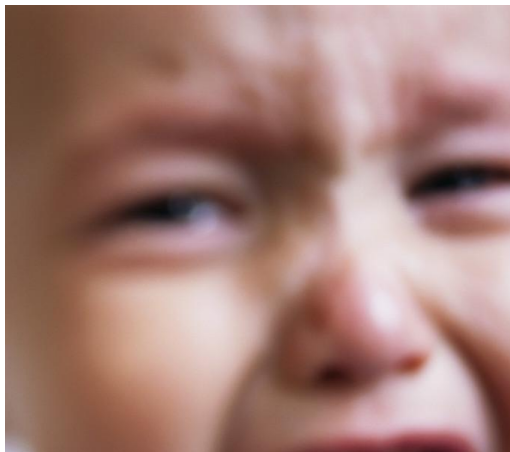
cooperate in “services” to strengthen perceived family weaknesses. Regardless of the final determination of the investigation often the family will be asked to engage in Family Based Safety Services (FBSS).

What can I do?

You can agree to work “services”

which usually involves parenting classes, counseling or drug education classes.

You can refuse to work “services” - but you should understand that failure to work services could result in legal action (Motion to Participate) that compels your family to engage in services to strengthen the family.



After the investigation you may receive a letter indicating that CPS has found “reason-to-believe” for abuse or neglect. You should take this finding very seriously. You have several days to appeal the decision of the investigator. **ALWAYS ALWAYS APPEAL** this determination. Be sure and send in your appeal of this finding as soon as you can.

****A finding of “reason-to-believe” for abuse or neglect could affect your future employment status and must be fought with all the resources you have available to you.**

The investigator asks my family to work “services” and wants someone in the home to move out of our home.

While working to complete the investigation or after the investigation is complete you could be asked to have a family member leave your home. Generally this request is made because it appears 1) that someone in the home may present a danger to the welfare of the children; or 2) further investigation is needed and the removal of this person can facilitate keeping the children in their home while “services” are being completed.

You may be asked to “voluntarily” agree to a Safety Plan when the family member is asked to leave your home. You can refuse this request; however, your failure to agree to the Safety Plan could result in a request to a judge to remove the children from the home.

You can choose to allow the children to temporarily reside with a friend or family member of your choosing while the investigation proceeds or the family works “services”.



What can I do?

Practically, if someone in the home is believed to pose a threat to the children it is wise to consider having that person leave the home on a temporary basis. This action should prevent the children being removed from their home.

The “Safety Plan” you are asked to agree to should involve your input. Don’t let the investigator decide every aspect of the plan. You can demand for example that the safety plan expire in 30 days. Also, you can demand a provision that allows supervised contact with you and the children if they (the children) are going to be living in another home for the period of the plan.



You can always seek advice prior to agreeing to any safety plan - do not allow the investigator to prevent communication between yourself and family or friends.

A CPS caseworker is at my door and says he or she has a court order to remove the children.

If there is a court order authorizing the removal of the children always release the children to the investigator.

CPS has gone to a judge and stated by affidavit that there is an immediate

danger to the welfare of the children - and that immediate removal is the only way to protect the children.

The CPS worker is supposed to have made reasonable efforts to prevent the removal of the children from the family home. (i.e. asking the family to agree to a Safety Plan or asking that someone in the home move out)

A court order to remove the children is very serious because it triggers a legal case that ***could*** result in termination of parental rights.

A court hearing will be held in 14 days where CPS must show they should keep custody of your children.

THIS AREA OF THE LAW IS VERY TIME AND DATE SENSITIVE. YOU CAN ONLY PROTECT YOUR RIGHTS BY GETTING COMPETENT LEGAL ADVICE - CALL OR SEE A LAWYER EXPERIENCED IN THIS AREA OF THE LAW IMMEDIATELY.



Resource and Referral Index

A	
ADOLESCENT COUNSELING SERVICES.....	61
C	
CHILD ABUSE PREVENTION	63
CHILD COUNSELING SERVICES.....	61
CHILD SUPPORT ASSISTANCE.....	56
COMMUNITY JUSTICE PROGRAM-PRO BONO	65
D	
DIVORCE SUPPORT PROGRAMS.....	56
DOMESTIC RELATIONS OFFICE	66
DOMESTIC VIOLENCE ASSISTANCE PROGRAMS.....	59
F	
FAMILY COUNSELING	59
FAMILY SUPPORT SERVICES.....	56
L	
LEGAL SERVICES AND INFORMATION.....	65
P	
PARENTING CLASSES AND SKILLS RESOURCES.....	57
S	
SAN ANTONIO BAR ASSOCIATION	66
SUBSTANCE ABUSE SERVICES	64
T	
TEXAS LAWYERS REFERRAL SERVICES.....	66
TEXAS RIO GRANDE LEGAL AID.....	66

RESOURCE AND REFERRAL NUMBERS

FAMILY SUPPORT SERVICES

Catholic Family Services	433-3256
Martinez Street Women's Center	534-6638
Family Enhancement Classes-Roy Mass' Youth Alternatives, Inc.	340-7971
Family Services Assn.	226-3391
Forever Loved Grief Support Group for Parents	738-7780
Grandparents Parenting their Grandchildren	738-7780
Grief Support Group-Methodist Hospital	575-4030
Information Services- National Alliance for the Mental Ill	734-3349
Jewish Family Services	302-6920
Lutheran Social Services	822-9745
Mexican Unity Council American	978-0500
Parents of Adopted Children Group	302-6920
San Antonio Fatherhood Campaign	227-3463
San Antonio Fatherhood Partners American Indians In Texas-Spanish Colonial Missions (AITSCM)	227-3463
Joven's Parent Connection Network	924-0330
Match/Patch Program	335-6330
Project WORTH	299-5035
Sibling Support Groups-ABC	227-0170
Texas Inmates Families Assn.	673-2535
United Way	227-HELP
United Way Helpline-TEXAS Provides information and referral for family support services.	211

CHILD SUPPORT ASSISTANCE

Office of Attorney General (OAG)	
Child Support Regional Call Center For case status information.	841-8450
State Disbursement Unit (SDU) For child support payments.	1-800-252-8014

DIVORCE SUPPORT PROGRAMS

Comal County Legal Aid	(830) 625-3439
Cooperative Parenting Group	733-3349
Counseling-Center for Family Relations	733-3349
Direct Client Service-Family Life Center	438-6411
Divorce Group for Elementary Aged Children	733-3349
Divorce Recovery Group	696-4161
Domestic Relations Office	335-1242
Family Life -Archdiocese of S.A.	734-2620
Fathers Parent Education Program	733-3349
Graduate Master's Program- Family Life Center	436-3226

Helping Children Cope with Divorce	299-2400
Individual & Family Counseling- Family Service Assn.	299-2400
Kids in Divorce Situations	733-3349
Kidshare	946-8524
Parents & Community Education- Family Service Assn.	299-2400
Supervised Visitation and Exchange	733-3349

PARENTING CLASSES AND SKILLS RESOURCES

Adolescent Pregnancy & Parent Program	222-1294
Assessment & Short Term Residential- Boys Town Texas served: San Antonio, but will accept youth from any place as long as they meet admission criteria	271-3131
Avance EHS Child Development Center Area served: Must live within impact area: West-Callaghan Rd., East-I10/I35, North-Bandera/Woodlawn, South-Thompson Place	438-5691
Avance EHS Child Development Center-Kelly	432-2601
Avance EHS Child Development Center- Frank Garrett Area served: Must live within impact area: West-Callaghan Rd., East-I10/I35, North-Bandera/Woodlawn, South-Thompson Place	734-7924
Avance EHS Child Development Center- Lincoln Area served: Must live within impact area: West-Callaghan Rd., East-I10/I35, North-Bandera/Woodlawn, South-Thompson Place	735-9155
Big Brothers Big Sisters Area served: San Antonio, Kerrville, New Braunfels and Seguin	225-6322
Healthy Families- Parent Education	424-5437
Healthy Families- Speakers Bureau	424-5437
Child & Family Mental Health- Mexican American Unity Council	978-0505
Child Development Center- St. Paul Lutheran Center	534-8577
Connections-Northside I.S.D. Area served: Northside ISD	397-8500
Counseling Center- Family Violence Prevention Services Area served: Primarily San Antonio, but will accept any victims of family violence.	930-3669
Counseling Center-Youth Alternatives, Inc.	340-7971
Doula Services (Juvenile Detention Pregnancy Related Services)	222-0988
East Central I.S.D. Community, Adult & Family Ed.	649-2223
Education, Rehabilitation, Social develop.-Healy-Murphy	223-2944
Families & Schools Together (F.A.S.T.)-Family Services Assn. Area served: Schools and early childhood centers in San Antonio.	299-2400
Family Development Center- Sunshine Cottage	824-0579
Family Enhancement Classes- Roy Maas' Youth Alternatives, Inc.	340-7971

Family Support Services & Home Visitation	424-5437
Fathers Parent Education Program	733-3349
Grandparents Parenting their Grandchildren	738-7780
Great Start-Avance Area served: Zip codes 78221,78207, 78237,78228	220-1788
Great Start-Baptist Child & Family Services	297-9868
Homemaker Services-Pathways Youth & Family Services Area served: TDPRS Region 08 which includes Bexar & 20 surrounding counties.	733-7117
Homemaking, Organizing & Parenting Effectiveness Services	299-2400
Kids in Divorce Situations	733-3349
Kindergarten Readiness Program- Positive Beginnings Area served: City Council Districts 1 and 2	533-4747
Male Batterers Intervention Services	930-3669
Maternal & Child Health Promotion Program Area served: San Antonio, but targets zip codes 78205, 78203, 78204 & 78210	534-6638
Outreach Programs - SACADA	225-4741
Parent Alliance for Learning & Support (PALS) Area served: Available to parents in Bexar, Comal, Kendall & Bandera Counties	826-4492
Parent-Child Education Program- Harlandale I.S.D. Family Center Area served: 78211	977-1485
Parent-Child Education Program-Mirasol Area served: 782072 78237	220-1788
Parent-Child Education Program-Jimenez Center Area served: 78221, 78224, 78225	927-0637
Parent & Community Education- Family Service Assn.	299-2400
Parent Education Program- Center for Family Relations	733-3349
Parent Education Program- House of Neighborly Service Area served: Westside of San Antonio	434-2301
Parent Education Program- Positive Beginnings	533-4747
Parent to Parent Training Program- Center for Juvenile Mgmt. Area served: 78202	227-8400
Parenting-Avance	220-1788
Parenting-Ella Austin Community Center	224-2351
Parenting-Mexican American Unity Council	978-0505
Parenting is for All	678-2008
Parents as Teachers-Catholic Charities	222-1294
Power of Potential	223-1588
Project Heart-SACADA	225-4741
Project MAS (Mothers & Schools) Area served: San Antonio ISD area	212-2576
School Age Parenting Program-Northside ISD Area served: Northside ISD	397-8500

Smart Start-Family Service Assn.	299-2400
Stay in-School Program-Communities in Schools	520-8440
Students Together Achieving & Realizing Success (STARTS)	433-9300
Teenage Parent Program- South San Antonio ISD Area served: South San Antonio ISD	977-7335
Together Opening Doors of Strength (TODOS) Family Counseling	433-9300

DOMESTIC VIOLENCE ASSISTANCE PROGRAMS

Battered Women's Shelter	733-8810
Changing Behavior Through Choice-Family Violence Prev.	930-3669
Community Counseling Service-OLLU	434-1054
Community-Based Prevention Services-Family Violence Prev.	733-8810
Counseling Center-Family Violence Prevention Services	930-3669
Male Batterers Intervention Services	930-3669
P.E.A.C.E. Initiative, The Area served: Texas, United States, and Mexico	533-2729
Protective Orders Area served: Violence or threat of violence within Bexar County	335-2865
Victim Advocacy Section-SAPD	207-2141
Walk-In Clinic-Community Counseling Service-OLLU	434-1054

FAMILY COUNSELING

Alpha-Omega In-Home Counseling	737-2674
Anger Management Group	302-6920
Barrio Family Health Center	434-2368
Basic Child Care-Baptist Child & Family Services	208-5636
Battered Women's Shelter	733-8810
Bridge, The-Youth Alternatives, Inc.	340-7933
Brighton Beginnings-Brighton School, Inc.	826-4492
Center for Infant & Child Loss	227-0530
Challenges & Changes-Martinez Street Women's Center	534-6638
Child & Family Mental Health- Mexican American Unity Council	978-0505
Community Counseling Service-OLLU	434-1054
Counseling-Catholic Charities	377-1133
Counseling-Center for Family Relations	733-3349
Counseling-Wesley Community Centers	924-5191
Counseling Center-Family Violence Prevention Services	930-3669
Counseling Center-Youth Alternatives, Inc.	340-7971
Counseling Program-Jewish Family Service	302-6920
Counseling Services-Catholic Consultation Center	377-1133
Counseling Services-Ecumenical Center for Religion & Health	616-0885

Counseling Services-Presa Community Service Center	532-5295
Creating the Vision I & II	924-0330
Direct Client Service-Family Life Center	436-3133
Dixon Clinic Support/Counseling Services	472-1835
Early Childhood Intervention-Brighton School, Inc.	826-4492
Eastside Mental Health Clinic-Center for Health Care Services	227-3401
Ella Austin Health Center-Medical	224-2112
Ella Austin Health Center Annex-Behavioral	224-2112
Families & Schools Together (F.A.S.T.)-Family Service Assn.	299-2400
Families of Children Under Stress (F.O.C.U.S.)	566-6450
Family Life Programs-Archdiocese of S.A.	734-2620
Family Preservation Services Program	271-1010
Family Readiness-Randolph A.F.B.	652-5321
Family Readiness/Family Life Program- Lackland A.F.B.	671-3722
Family Support Services-Abuse Treatment	299-2400
Girlsville/The Junction-Youth Alternatives, Inc.	(830) 816-2425
Graduate Master's Program-Family Life Center	436-3226
H.A.R.T. Program (Helping At Risk Teens)	436-6882
Individual & Family Counseling-CTRC	450-1000
Individual & Family Counseling-El Centro del Barrio	927-6883
Individual & Family Counseling-Family Service Assn.	226-3391
JOVEN	924-0330
Mabee Children's Emergency Shelter-Baptist Child & Family Ser	674-3010
Male Batterers Intervention Services	930-3669
Meadows/Junction The-Youth Alternatives, Inc.	(830) 816-2425
Outpatient Psychiatric Care-Child Guidance Center	614-7070
Outpatient Social Work Service-BAMC Social Work Ser	916-3020
Outpatient Therapy-Southwest Mental Health Center	616-0300
Parent & Community Education-Family Service Assn.	299-2400
Professional Counseling- National Multiple Sclerosis Society	494-5531
Psychological Services- Santa Rosa Health Care	704-3007
Rape Crisis Center	521-7273
Regional Children's Assessment Center-Baptist Children's Home	674-3010
Residential Treatment Detoxification Program-Patrician Movement	532-3126
Substance Abuse Intervention Program	475-9426
Substance Abuse Outpatient Counseling-CHCS	731-1320
Together Opening Doors of Strength (TODOS) Family Counseling	433-9300
Walk-In Clinic-Community Counseling Service OLLU	434-1054
Wesley Community Center	989-2800
Westside Mental Health Clinic-Center for Health Care Ser	434-7001
Youth & Family Services-Ella Austin Community Center	224-2351

ADOLESCENT COUNSELING SERVICES

Association for Retarded Citizens (ARC) of San Antonio	490-4300
Bridge, The-Youth Alternatives, Inc.	340-7933
Acute Care-Southwest Mental Health Center	616-0300
Barrio Family Health Center	434-2368
Benitia Family Center	433-9300
Bexar County Juvenile Justice Academy	281-0764
Care for Homeless Teens Counseling Program-JFCS	302-6920
Child & Family Mental Health- Mexican American Unity Council	978-0505
Children & Adolescent Services- Center for Health Care Ser	433-2467
Community-Based Counseling Program	225-2234
Counseling Center-Youth Alternatives, Inc.	340-7971
EXCEL Program	532-6934
Family Resource Center	927-6883
Grief Support Group-Methodist Hospital	575-4030
House of Good Neighborly	434-2301
Innovative Concepts Comprehensive In-Home	805-0915
Jimenez Center	927-0637
JOVEN	924-0330
Kids Adverted from Placement Services(KAPS)	677-8877
Milagritos Programs Inc.	431-3622
Mutual Enrichment through Learning & Discovery (MELD)	223-1311
New Horizons	257-1250
Nix Behavioral Health Services	341-2633
Outpatient Therapy-Southwest Mental Health Center	616-0300
P.A.C.E.	524-9402
Rehabilitation Services	532-6934
Services to At-Risk Youth (STAR)- Baptist Child & Family Ser	832-5000
South Side Kids Involved in Leadership Skills (SKILLS)	532-5295
Substance Abuse Intervention Program	475-9426
Youth & Family Services-Ella Austin Community Center	224-2351

CHILD COUNSELING SERVICES

Acute Care-Southwest Mental Health Center	616-0300
Adams Elementary	923-5577
Alamo Children's Advocacy Center	675-9000
Anson Jones Middle School	678-2100
Assessment & Short Term Residential-Boys Town	271-1010
Athens Elementary	977-7475
Basic Child Care-Baptist Child & Family Services	208-5636
Blind Children's Vocations, Discovery & Development Program	732-9751

Brentwood Middle School	444-7675
Briscoe Elementary	222-8782
Cable Elementary	678-2850
Cameron Elementary	224-0310
Care for Homeless Teens Counseling Program-JFCS	302-6920
Cenizo Park Elementary	444-7850
Child & Adolescent Sexual Abuse Intervention Ser/Counseling	675-9000
Child & Family Mental Health- Mexican American Unity Council	978-0505
Children & Adolescent Services-Center for Health Care Ser	433-2467
Children's Bereavement Center of South Texas	736-HUGS
Community Counseling Service-OLLU	434-1054
Counseling-Catholic Charities	377-1133
Counseling Center-Family Violence Prevention Services	930-3669
Counseling Center-Youth Alternatives, Inc.	340-7971
Counseling Program-Jewish Family Service	302-6920
Counseling Services-Ecumenical Center for Religion & Health	616-0885
Direct Client Service-Family Life Center	438-6411
Dorie Miller Elementary	333-0521
Dwight Middle School	977-7300
Edgewood Competency-Based High School	444-8200
Five Palms Elementary	645-3850
Girlsville/The Junction- Youth Alternatives, Inc.	(830) 816-2425
Gus Garcia Middle School	444-8075
H.B. Gonzalez Elementary	444-7800
Harlandale High School	989-1000
Harlandale Middle School	921-4507
Harmony Elementary	442-0625
Individual & Family Counseling-El Centro del Barrio	927-6883
Individual & Family Counseling- Family Service Assn.	299-2400
John Jay High School	397-2700
Kindred Elementary	977-7576
LBJ Elementary	444-8175
Loma Park Elementary	444-8250
Long Term Residential-Boys Town	699-8514
Mabee Children's Emergency Shelter- Baptist Child & Family Ser	832-5000
McCollum High School	989-1500
Meadows/Junction The- Youth Alternatives, Inc.	(830) 816-2425
Memorial High School	444-8300
Outpatient Psychiatric Care- Child Guidance Center	614-7070
Palmer Drug Abuse Program	227-2634
Perales Elementary	444-8350

Price Elementary	977-7225
Regional Children's Assessment Center-Baptist Children's Home	674-3010
Rehabilitation Services	532-6934
Services to At-Risk Youth (STAR)- Baptist Child & Family Ser	832-5000
Shepard Middle School	623-1891
South San Alternative	977-7450
South San Corporate Academy	977-7335
South San High School	977-7400
Stay In-School Program-Communities In Schools	520-8440
Substance Abuse Intervention Program	475-9426
Tejeda Academy	989-4900
Truman Middle School	444-8425
Walk-In Clinic-Community Counseling Service OLLU	434-1054
Washington Elementary	226-6923
Westwood Terrace Elementary	678-2780
Wrenn Junior High	444-8475

CHILD ABUSE PREVENTION

Adoption Program-Children's Shelter of SA	212-2590
Advocacy-Child Advocates San Antonio	225-7070
Cedar Street Shelter- Children's Shelter of San Antonio	212-2560
Healthy Families- Parent Education	424-5437
Healthy Families-Professional Education	424-5437
Healthy Families- Speakers Bureau	424-5437
Child Abuse Resource Enhancement Program (CARE)	675-9000
Child & Adolescent Sexual Abuse Intervention Ser/Counseling	675-9000
Child & Adolescent Sexual Abuse Intervention Ser/Medical	675-9000
Child Protective Services	333-2004
Division of Children Services	358-9544
Early Childhood Education for Caretakers	424-5437
Family Advocacy Program-Army Community Service	221-2418
Family Support Services and Home Visitation	424-5437
Foster Care-Children's Shelter of SA	212-2590
Great Start-Baptist Child & Family Services	297-9868
Homemaker Services-Pathways Youth & Family Services	733-7117
Homemaking, Organizing & Parenting Effectiveness Services (HOPES)	299-2400
Infant's Shelter	212-2520
Our Children Coalition	212-2503
Outpatient Psychiatric Care- Child Guidance Center	614-7070
Parent-Child Education Program- Harlandale I.S.D. Family Center Area served: 78211	977-1485
Regional Children's Assessment Center- Baptist Children's	674-3010

Home

SAV-BABY	(800) 342-8576
Services to At-Risk Youth (STAR)- Baptist Child & Family Services	832-5000
Texas Department of Family & Protective Services-TDFPS	(830) 896-3933

SUBSTANCE ABUSE SERVICES

Admissions & Outpatient Office I-Patrician Movement	533-0226
Admissions & Outpatient Office II- Patrician Movement	534-4029
Adult Rehabilitation Center-Salvation Army	223-6877
Al-Anon Family Groups	829-1392
Al-Anon Support Group	829-1392
Alcoholics Anonymous-San Antonio	828-6235
Alpha Home-Camden Site	223-4284
Alpha Home-Mulberry Site	735-3822
Army Substance Abuse Program- Ft. Sam Houston	221-2988
Audie L. Murphy Hospital	617-5300
Community Counseling Service-OLLU	434-1054
D.A.R.E. Program-Bexar County Sheriff's Office	379-4919
Direct Client Service-Family Life Center	438-6411
Elite Counseling-Downtown Office Area served: Bexar, Wilson, Guadalupe counties	212-7640
Elite Counseling-Northeast Office Area served: Bexar, Wilson, Atascosa counties	822-9493
Emergency Psychiatric Care- Correctional Health Care Ser	335-6260
Growing Up Drug Free: A Parents Guide to Prevention (SAFB)	271-7232
Health Care for Homeless Veterans- Dept. of Veteran Affairs	617-5300
Outcry in the Barrio	433-0028
Individual & Family Counseling-Family Service Assn.	299-2400
Innovative Concepts	805-0915
Lanier Student Health Center- El Centro del Barrio	224-4991
Laurel Ridge Hospital	491-9400
Minor in Possession Program-SACADA	225-4741
Narcotics Anonymous	434-0665
Older Adult Substance Abuse Services (OASAS)-CHCS	731-1320
Outpatient Care-Alcoholic Rehabilitation Center	734-6362
Outpatient Clinics-V.A. Hospital	617-5300
Outreach Programs-SACADA	225-4741
Palmer Drug Abuse Program	227-2634
Parent & Community Education- Family Service Assn.	299-2400
Pharmacotherapy-Center for Health Care Services	731-1320
Prevention Resource Center-SACADA	354-3331
Project Heart-SACADA	225-4741

Project Posada	731-1320
Proyecto Safe-YWCA	433-9922
Psychiatric Outpatient Services	358-3730
Rational Recovery Support Group	637-5994
Residential Treatment-Alcoholic Rehabilitation Center	633-0201
Residential Treatment Detoxification Program-Patrician Movement	532-3126
SAIPA-Substance Abuse Intervention for Adults	930-3669
San Antonio Regional Detoxification Program-SAMHD	532-3126
School Services Unit-SAPD	207-7393
Secular Organization for Sobriety (SOS/Save Ourselves)	637-5994
Selena Center for Youth Potential-Prevention	223-4004
Selena Center for Youth Potential-Treatment	223-4004
START Center	562-5400
Substance Abuse Intervention Program	475-9426
Substance Abuse Outpatient Counseling- CHCS	731-1320
Substance Abuse Services	212-2266
Teen Challenge International San Antonio	624-2075
Too Smart to Start Underage Drinking Initiative	271-7232
Victory Home Christian Growth Center	434-2774
Victory Temple	226-9965
Walk-In Clinic-Community Counseling Services OLLU	434-1054
Weed & Seed	271-7232
Wilford Hall Medical Center	292-7412
Youth Development-YMCA	246-9622
Youth Intervention Program-Patrician Movement	533-9191

LEGAL SERVICES AND INFORMATION

COMMUNITY LAW CENTER
322 W. Woodlawn 3rd Floor
San Antonio, TX 78212

Applications accepted Mon-Fri, 9am-12pm & 1pm-3pm
Majority of work is Family Law.
Minimal Criminal Law is accepted.
There is a \$400 or more RETAINER, depending on the type of case.

COMMUNITY JUSTICE PROGRAM-PRO BONO

Intake and screening is done by phone to qualify- until individual is qualified and directed to a specific location, there is not a walk in location.

CALL TEXAS RIO GRANDE LEGAL AID
(210) 212-3700
1(888) 988-9996 (Toll Free)

Monday -Thursday 8:00am-8:00pm
Friday 8:00am - 6:00pm
Fee: No cost or minimal cost if qualified.

Be sure to tell the representative that you want to register for the Community Justice Program.

*Be aware that it could take up to 1 year before your case can be scheduled- there is a large waiting list and your case will only be accepted into the Community Justice Program if it is an uncontested matter.

LEGAL ASSISTANCE/VOCATIONAL

Refugee & Immigrant Center for Education & Legal Services (RAICES) 1305 N. Flores	(210) 226-7722
Dispute Resolution Center	(210) 335-2128
Bexar County Switchboard	(210) 335-2011
District Clerk's Office	(210) 335-2621
County Clerk's Office	(210) 335-2216
District Attorney's Office	(210) 335-2311

TEXAS LAWYERS REFERRAL SERVICES (800) 252-9690

Referral is to local attorneys who pay a fee to be on the referral list. These attorneys do charge for cases they accept and no guarantee is made by the referral service that the attorney is qualified in a specific area of the law.
Fee \$20.00 for a 30 min phone interview.

TEXAS RIO GRANDE LEGAL AID (210) 212-3700

1111 N. Main
San Antonio, Texas 78212
Provides civil legal services to low income individuals/families.

SAN ANTONIO BAR ASSOCIATION (210) 227-8822

Referral is made based on the type of case. Attorneys pay a membership fee to belong to the local Bar Association and to be on the referral list. These attorneys charge for cases they accept and no guarantee is made by the referral service that the attorney is qualified in a specific area of the law.

DOMESTIC RELATIONS OFFICE (210) 335-1242

DIRECTOR: ANTHONY NEUGEBAUER, M.A., LMFT
Cadena-Reeves Justice Center
100 Dolorosa, 3rd Floor
San Antonio, Texas 78205
Fax Number: (210) 335-2968

Email Address: aneugebauer@bexar.org

FUNCTION: The Domestic Relations Office (DRO) provides social and mental health services support to the Civil District Courts in matters before them pertaining to custody and access in Suits Affecting Parent-Child Relationships.

What does the Domestic Relations Office do?

The Bexar County Domestic Relations Office assists families and the courts through the following functions:

- a.) Facilitates referrals for mental health services, such as; Custody/Access and Adoption Social Study*, Psychological Evaluations, Counseling, Cooperative Parenting and Parenting Classes, as they relate to custody and access matters before the court.
- b.) Coordinates safe neutral exchange and supervised visitation through San Antonio Kids Exchange and Family Services Association Kid Share programs.

* A Social study is an investigation conducted by a mental health professional appointed by the Court in cases where the parents are in conflict over the custody and access to their children. The investigator evaluates the home and circumstances of the parents and makes a recommendation to the Court regarding custody and access between the parents and their children.

CURRENT SERVICES

Supervised Visitation Neutral Child Exchange:

Family Service Association, Inc.

(210) 299-4494

CONSULTATION AND REFERRAL:

Mr. Anthony Neugebauer, DRO Director, is available to consult or provide immediate intervention with the individual District Court Judges and at Presiding Court on complex family law matters. Referrals for mental health services related to custody and access issues such as: Social Studies, Psychological Evaluations, Counseling and Parenting Classes are available upon request.

San Antonio Bar Association

Officers

President	Carl Robin Teague	Secretary	Andrew Kerr
President Elect	Justice Phylis Speedlin	Treasurer	Justice Rebecca Simmons
Vice President	Gary Hutton	Immediate Past President	Victor Negron

Directors

Priscilla D. Camacho	Lee Cusenbary	Beth Watkins Squires	George A. Taylor
Kristal Cordova	Annalyn G. Smith	David Stephenson	Marty Truss

San Antonio Bar Foundation

Officers

Chair	Jennifer Gibbins Durbin	Immediate Past Chair	Gilbert Vara, Jr.
Vice Chair	Wade B. Shelton	Ex Officio	Carl Robin Teague
Treasurer	Annalyn G. Smith	Honorary Chair	Judge Solomon Casseb, Jr., <i>Deceased</i>
Secretary	David M. Evans	Executive Director	Suzanne B. DeWalt

Trustees

Justice Karen A. Angelini	Mary B. Doggett	William E. Hrynshyn	Daniel M. Martinez
John A. Convery	Allan DuBois	David A. Ladensohn	Lori D. Massey
Thomas A. Countryman	Nissa M. Dunn	Sylvan Lang, Jr.	Judge Pamela Mathy
C. Lee Cusenbary, Jr.	Natalie L. Hall	Richard Loza	Linda G. Thoede
Trish DeBerry Mejia	Samuel V. Houston, III	Elizabeth "Besa" Martin	James "Marty" Truss

San Antonio Bar Association - Family Law Section

Officers

Board Members

President	Justine Daly	Karen Marvel
Vice President	Kim Pettit	Art Rossi
Secretary	Pedro Hernandez	Hon. Larry Noll
Treasurer	Richard Loza	Pat Thompson
Sergeant at Arms	Amber Liddell	Mark I. Unger
	Alwais	
Immediate Past President	Lisa Dossmann	